

REMARKS

Claims 1-30 of the application stand rejected. Claims 1, 8, 13-25 have been amended herein to more clearly define the scope of the presently claimed invention. Applicant respectfully requests reconsideration of pending Claims 1-30 in light of the remarks herein.

35 U.S.C. § 101

Claims 13-25 stand rejected under 35 U.S.C. §101 because the Examiner alleges that the claimed “computer readable medium” is directed to non-statutory subject matter. Applicant strongly disagrees. In the interest of moving forward with substantive review of these claims, however, Applicant has amended Claims 13-25 herein to include the term “tangible”. Applicant respectfully submits that a tangible medium is statutory subject matter and therefore respectfully requests that Examiner withdraw the 35 U.S.C. §101 rejection to these claims.

35 U.S.C. § 103

Claims 1-30 stand rejected under 35 U.S.C. §103 as being unpatentable over Williams, U.S. Patent No. 7,055,091 (hereafter “Williams”). The Examiner submits that Williams teaches all the elements of independent Claims 1, 8, 13, 19 and 26 with the exception of one element. The Examiner suggests that the missing element in Williams was one that would have been obvious to one of ordinary skill in the art. Applicant respectfully traverses the rejections.

The Examiner submits that various sections of Williams disclose all elements of the independent claims, with the exception of “dividing the content in the email file into two portions.” Thus for example, with respect to independent Claims 1, 8, 13, 19 and 26, the Examiner puts forth various elements of FIG. 4 of Williams to allegedly show that they describe the claimed element of “an electronic mail file comprising a single file including combined electronic mail data and variable metadata.” Applicant fails to see

how the elements of FIG. 4 highlighted by the Examiner show “an electronic mail file comprising a single file including combined electronic mail data and variable metadata.” In reality, this figure in Williams simply shows an email display wherein one portion of the display shows email titles while another portion of the display (“cutout 412”) shows at least a portion of the *email corresponding to each title*. The Examiner alleges that variable meta-data information describing the electronic mail data is taught by Williams because “the cutout 412 describes the information for the electronic mail data and the content of 412 is variable.” Applicant respectfully submits that the Examiner is simply wrong.

Specifically, to once again highlight the crux of the claimed invention: “variable meta-data information 130 is combined with actual email data 120 within a single file 140. A header is then used to monitor any changes to the meta-data 130 and the location of the actual email data 120 within the file” (Specification, Page lines 17-20). As described in the Specification, “current electronic mail systems (*i.e.*, email systems at the time of filing of the applications) utilize the files that represent the meta-data of electronic mail as well as the files that represent the electronic mail data. An email process receives the email data into a data-file and creates one or more meta-files to describe the email. Other email functions consult and/or modify the meta-files to process (*e.g.*, parse, route, or forward) the email.” (Specification, Page 2, lines 8-12). Applicant respectfully submits that this “meta-data” as claimed is significantly different than the “cutout 412”. There is simply no basis for anyone of ordinary skill in the art to view cutout 412 (which is directed to the *content* of the emails) as the meta-data claimed herein. Applicant respectfully requests the Examiner to show further support or explanation for the meta data as claimed or to drop the rejection to the claims based on Williams because Williams simply does not teach or suggest this claimed element.

Additionally, email systems at the time the application was filed typically included both emails and meta data in a single file. Again, the Examiner has no basis other than a conclusory statement to suggest that it would have been obvious for one of

ordinary art to teach or suggest separating the email and meta data into separate files. The very fact that existing email systems at the time typically had separate files for each type of data (and sometimes multiple files for meta data) teaches away from the Examiner's contention that it would have been obvious to combine them in a single file to derive various benefits. As such, Applicant respectfully submits that the Examiner has not shown this claimed element and that the 35 U.S.C. §103 should be withdrawn.

In summary, Applicant fails to understand the relevance of Williams with respect to the claimed elements. Applicant respectfully submits that by failing to specifically point to each section of Williams and by failing to clearly articulate how the section(s) allegedly read(s) on the claimed elements, the Examiner has failed to establish a *prima facie* case of unpatentability. Applicant therefore respectfully requests the Examiner to clarify the Examiner's interpretation of these sections of Williams. Barring that, Applicant maintains that Applicant's own reading of Williams supports Applicant's position that Williams does not teach or suggest the claimed elements. Applicant therefore respectfully requests the Examiner to withdraw the 35 U.S.C. §103 rejection to independent Claims 1, 8, 13, 19 and 26 and all claims dependent on these independent claims.

CONCLUSION

Based on the foregoing, Applicant respectfully submits that the applicable objections and rejections have been overcome and that pending Claims 1-30 are in condition for allowance. Applicant therefore respectfully requests an early issuance of a Notice of Allowance in this case. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (714) 730-8225.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666

for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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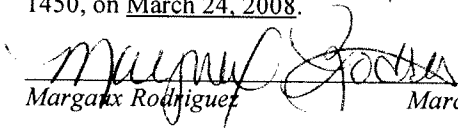
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Margarita Rodriguez

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